

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN CORBETT,)
Petitioner,) Civil Action No. 05 - 86
v.) Judge Gary Lancaster /
JAMES L. GRACE, Superintendent) Magistrate Judge Lisa Pupo Lenihan
State Correctional Institute Huntingdon;)
COMMONWEALTH OF)
PENNSYLVANIA ATTORNEY)
GENERAL THOMAS CORBETT,)
Respondents.)

MEMORANDUM ORDER

The above captioned Petition was received by the Clerk of Court on January 25, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 16), filed on February 7, 2006, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The report and recommendation was served on the Petitioner at S.C.I. Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112 and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review

of the pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 5th day of April, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 16) of Magistrate Judge Lenihan, dated February 7, 2006, is adopted as the opinion of the court.



Judge Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

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